

Message Text

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ACTION EB-08

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LIMITED OFFICIAL USE SECTION 1 OF 2 WARSAW 0729

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TAGS: EAIR, ETRD, PL, US
SUBJ: TRANSMITTAL OF NOTE RECEIVED FROM POLISH MINISTRY
OF FOREIGN AFFAIRS ON US-POLISH CIVIL AIR NEGOTIATIONS

1. FOLLOWING IS AN INFORMAL TRANSLATION OF A MINISTRY OF FOREIGN
AFFAIRS NOTE DATED JANUARY 21, 1978, ON US-POLISH CIVIL AIR
NEGOTIATIONS. THE NOTE WAS RECEIVED IN THE EMBASSY JANUARY 24, 1978.

2. BEGIN TEXT (COMPLIMENTARY INTRODUCTION OMITTED)

1. THE POLISH GOVERNMENT ATTACHES GREAT IMPORTANCE TO THE DEVELOPMENT
OF AIR TRANSPORTATION BETWEEN POLAND AND THE UNITED STATES. FOR THIS
REASON IT APPRECIATES THE STEPS UNDERTAKEN BY THE APPROPRIATE
AUTHORITIES OF THE UNITED STATES LEADING TO APPROVAL OF TARIFFS OF
THE POLISH AIRLINES LOT, TEMPORARILY UNTIL 31 MARCH 1978.

AT THE SAME TIME, HOWEVER, THE POLISH GOVERNMENT WOULD LIKE TO
EXPRESS ITS SERIOUS CONCERN CAUSED BY THE
DELAY IN THE ACCEPTANCE OF THE ABOVE-MENTIONED TARIFFS BY THE
APPROPRIATE AMERICAN AUTHORITIES. THE TARIFFS WILL
BE VALID FOR TWO MONTHS ONLY, IE, A SMALL PART OF THE WINTER SEASON.
ALSO, THE POLISH SIDE IS CONCERNED BY THE LACK OF RESPONSE OF THE
US GOVERNMENT TO THE NOTE OF THE POLISH GOVERNMENT OF DECEMBER 16,
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1977, ON TARIFFS FOR THE SUMMER SEASON OF 1978. THIS LACK OF RESPONSE
PREVENTS THE AIRLINES NAMED IN THE AIR TRANSPORT AGREEMENT
FROM OFFERING SUCH TARIFFS, AND THIS WORKS TO THE DETRIMENT OF THE
PUBLIC INTEREST AND OF BOTH AIRLINES INVOLVED. THE GOVERNMENT OF THE
POLISH PEOPLE'S REPUBLIC EXPRESSES ITS HOPE THAT THE ABOVE-
MENTIONED PROBLEMS WILL SOON BE SOLVED ON A POSITIVE MANNER.

2. PAN AMERICAN AIRLINES REQUESTED THE APPROPRIATE AVIATION
AUTHORITIES OF THE POLISH PEOPLE'S REPUBLIC TO RECONSIDER THE QUESTION

OF APPROVAL OF A SERIES OF CHARTER FLIGHTS OF THE ABC TYPE IN THE
SUMMER SEASON OF 1978, REFERRING TO ACTIONS ALREADY UNDERTAKEN
ON THE MARKET.

THE MINISTRY OF FOREIGN AFFAIRS WOULD LIKE TO INFORM THE EMBASSY
THAT THE APPROPRIATE POLISH AUTHORITIES, AIMING TO MAKE IT
POSSIBLE FOR THE AIR CARRIERS OF BOTH COUNTRIES TO OFFER THE
PROPER SERVICE FOR PASSENGER TRAFFIC AND TO MEET THE NEEDS OF TRAVEL
BETWEEN POLAND AND THE USA, HAVE DECIDED, AFTER RECONSIDERATION OF THE

PROBLEM AND HAVING IN MIND THE PRINCIPLE OF MUTUAL ADVANTAGE, TO
ACCEPT THE FOLLOWING SOLUTION:

A) THE POLISH AUTHORITIES WILL PERMIT THE AIRLINES OF BOTH
COUNTRIES TO CARRY OUT IN 1978 A CERTAIN NUMBER OF CHARTER FLIGHTS
OF THE ABC TYPE, SUITED TO THE CURRENTLY KNOWN, GLOBAL NEEDS
FOR THOSE FLIGHTS IN THE TRAFFIC BETWEEN BOTH COUNTRIES, WITH
OBSERVANCE OF THE RULE OF EQUAL PARTICIPATION OF CARRIERS OF BOTH
SIDES, AND IN ACCORDANCE WITH THE CONDITIONS DESCRIBED BY THE
REGULATIONS OF BOTH COUNTRIES. IT IS UNDERSTOOD THAT THERE WILL
BE NO BARRIERS PLACED BY THE AMERICAN AUTHORITIES TO THE PERFORMANCE
OF THE PROPER NUMBER OF CHARTERS AND THAT THIS WOULD ALSO APPLY
WITH RESPECT TO LOT OFF-LINE CHARTERS. IT IS ALSO UNDERSTOOD THAT
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THE AUTHORITIES OF BOTH SIDES WILL ACCEPT THE PROGRAMS OF THE ITC
TYPE CHARTERS PROPOSED BEFORE. ALSO, DUE TO THE EXPECTED OVERLOADING
OF THE WARSAW-OKECIE AIRPORT, CHARTER GROUPS CARRIED BY ONE PLANE
WILL NOT EXCEED 200 PERSONS.

B) PERMISSION FOR ABC TYPE CHARTER FLIGHTS, AS MENTIONED IN POINT
ONE, WOULD BE GIVEN AFTER APPROVAL BY THE AVIATION AUTHORITIES OF
BOTH COUNTRIES OF LOW AIR TARIFFS FOR THE AIRLINES ALREADY AGREED
UPON FOR THE PERIOD STARTING APRIL 1, 1978; AT THE SAME TIME THE
POLISH AUTHORITIES DO NOT EXCLUDE POSSIBILITIES FOR CERTAIN
MODIFICATION OF THE TARIFFS PREVIOUSLY ACCEPTED.

C) HAVING IN MIND THE NECESSITY OF ASSURING TO THE COMPANIES
OF BOTH PARTIES THE EQUAL POSSIBILITY OF SELLING REGULAR AND
CHARTER FLIGHTS, THE POLISH AUTHORITIES GRANT PERMISSION, AS STATED
IN POINT ONE, UNDER THE CONDITION THAT THE TARIFFS APPLIED BY
THE POLISH CARRIER WILL NOT BE SUBJECT TO SUSPENSION.

3. AS FOR THE PROBLEMS PRESENTED BY NOTE NO 2 OF THE EMBASSY DATED
JANUARY 12, 1978, THE MINISTRY OF FOREIGN AFFAIRS WOULD LIKE TO INFORM

THE EMBASSY THAT THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC

DOES NOT KNOW OF ANY DECISION TO REFUSE TO RECEIVE JUMBO
JETS IN ACCORDANCE WITH THE RESOLUTION OF SECTION 3/A OF
THE AGREEMENT, CONCLUDED IN THE FORM OF AN EXCHANGE OF NOTES ON
AUGUST 26, 1976.

AS WE KNOW FROM INFORMATION PROVIDED BY THE RELEVANT POLISH
AVIATION AUTHORITIES, PANAM'S PROGRAM OF SERVICING THE WARSAW ROUTE
WITH 747 AIRCRAFT IN 1978 SUMMER SEASON HAS BEEN DISCUSSED

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IN DETAIL BY PANAM REPRESENTATIVES WITH LOT REPRESENTATIVES
ACTING ON BEHALF OF THE ABOVE-MENTIONED AUTHORITIES.

DESPITE THE SERIOUS DIFFICULTIES WHICH THE SERVICE OF WIDEBODIES
AIRCRAFT AT WARSAW OKECIE AIRPORT WOULD INVOLVE, AND AFTER HAVING
CONSIDERED THE ADDITIONAL OUTLAYS AND COSTS RELATED THERETO, PANAM
REPRESENTATIVES WERE GIVEN ASSURANCE THAT, SHOULD THE COMPANY COMPLY
WITH THE AGREED TERMS OF EXPLOITATION (PERFORMANCE OF OPERATIONS
AT LATE HOURS AND COVERING THE ADDITIONAL EXPENSES AND THE COST OF
EQUIPMENT AND AIRPORT SERVICES), WIDEBODIED AIRCRAFT WOULD BE
RECEIVED. DURING THOSE TALKS THE PANAM REPRESENTATIVES IMPLIED
THAT, IN VIEW OF THE OPERATIONAL AND ECONOMIC PROBLEMS, THEY
WOULD RATHER RECOMMEND THAT THEIR MANAGEMENT CHANGE ITS DECISION
REGARDING THE INTRODUCTION OF WIDEBODIED AIRCRAFT ON THE WARSAW
ROUTE IN 1978.

IN THE COURSE OF FURTHER TALKS WHICH THE US EMBASSY AND PANAM
MANAGEMENT REPRESENTATIVES HAD IN WARSAW WITH THE RELEVANT
AVIATION AUTHORITIES OF THE GOVERNMENT OF THE POLISH PEOPLE'S
REPUBLIC, THESE AUTHORITIES STATED THAT THE REPLACEMENT OF SIX
707 OR THREE 747 FLIGHTS WITH SEVEN 727 FLIGHTS IN THE 1978 SEASON,

WHICH WOULD NOT INCREASE THE TOTAL CAPACITY OFFERED BY PANAM,
WOULD BE GIVEN FAVORABLE CONSIDERATION. THIS STEP, HOWEVER,
WOULD REQUIRE CONSULTATIONS BECAUSE IT DEVIATES FROM THE STIPULATIONS
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OF THE CURRENT AGREEMENT.

THE NOTE MENTIONED ABOVE CONTAINS A PROPOSAL MADE BY THE US
GOVERNMENT TO SUBSTITUTE VIENNA IN PLACE OF COPENHAGEN ON THE
LISTING OF ROUTES OF THE US AIR CARRIER. THE MINISTRY OF FOREIGN
AFFAIRS WISHES TO ADVISE THAT THE GOVERNMENT OF THE POLISH PEOPLE'S
REPUBLIC THINKS THIS CHANGE WOULD NOT BE OF EQUAL BENEFIT
FROM THE POINT OF VIEW OF THE POLISH COMPANY'S INTERESTS. IN VIEW
OF THE ALREADY EXISTING DISPROPORTION IN DETERMINING THE TRADE
RIGHTS FOR BOTH PARTIES, THIS STEP WOULD HAVE TO BE RECONSIDERED
IN COMBINATION WITH THE EXPANSION OF THE POLISH COMPANY'S
RIGHTS.

4. THE MINISTRY OF FOREIGN AFFAIRS, MOREOVER,
KINDLY ADVISES THAT THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC
BELIEVES THAT THERE HAVE BEEN IMPORTANT CHANGES IN THE AREA OF AIR
TRANSPORTATION BETWEEN POLAND AND THE US SINCE THE PROVISIONS
CONTAINED IN THE NOTES OF AUGUST 26, 1976, WERE APPROVED. THESE
CHANGES HAVE HAD A SUBSTANTIAL IMPACT ON THE POLISH CARRIER'S
COMMERCIAL POSSIBILITIES IN THE US. THESE POSSIBILITIES WERE LIMITED
AMONG OTHERS, FOLLOWING THE STEPS US AUTHORITIES TOOK GIVING PREFERENCE

TO CHARTER FLIGHTS, THEIR PRACTICE OF EITHER APPROVING OR SUSPENDING
RATES ON AGREEMENT AND PARALLEL ROUTES, AND ALSO THE ABOLITION OF THE
INTERNATIONAL IATA COMMISSION SYSTEM.

REGARDLESS OF THE ABOVE STEPS WHICH INVOLVED ALL US AIRLINES,
LOT RECEIVED, IN SOME INSTANCES, WORSE TREATMENT, AS, FOR EXAMPLE,
WHEN THE ADMISSION OF OFF-LINE CHARTERS WAS INVOLVED.

UNDER THE PRESENT SITUATION IN RELATIONS IN THE FIELD OF AVIATION
AND ALSO IN VIEW OF PROBLEMS PRESENTED IN THIS NOTE,
THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC DEEMS IT NECESSARY
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AND USEFUL TO HOLD CONSULTATIONS IN ACCORDANCE WITH ART 12
OF THE AGREEMENT DATED JULY 14, 1972, AND SECTION FOUR OF THE
AGREEMENT IN THE FORM OF AN EXCHANGE OF NOTES DATED AUGUST 26, 1976.

THE MINISTRY OF FOREIGN AFFAIRS REPEATS ITS INVITATION CONTAINED
IN ITS NOTE OF DECEMBER 16, 1977, THAT THE ABOVE-MENTIONED CONSUL-

TATION BE HELD IN WARSAW AS SOON AS POSSIBLE. (COMPLIMENTARY
CLOSING) WARSAW, JANUARY 21, 1978. END TEXT

3. A COPY OF THE ORIGINAL NOTE IS BEING AIRPOUCHED TO
THE DEPARTMENT.
DAVIES

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Message Attributes

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